

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

OTIS WHITFIELD,

Plaintiff,

v.

9:03-CV-1500

DR. VADLIMURI, Physician, Marcy
Correctional Facility, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

OTIS WHITFIELD, *Pro Se*

FOR DEFENDANTS:

HON. ELIOT SPITZER
Attorney General of the
State of New York
The Capitol
Albany, NY 12224-0341

MICHAEL G. McCARTIN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 6th day of December, 2005. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable (released) to plaintiff at such address. *See* docket no.

24.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 6, at 2.

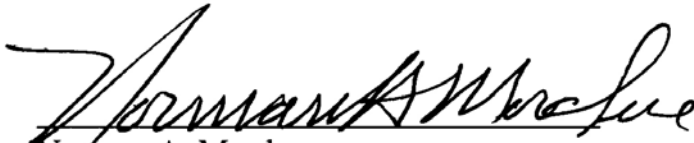
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: December 28, 2005
Syracuse, New York


Norman A. Mordue
U.S. District Judge